

# EXHIBIT A

FILED: NEW YORK COUNTY CLERK 03/10/2022 04:19 PM

INDEX NO. 152102/2022

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 03/10/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK----- x  
OLGA DE LA CRUZ-SEGURA,

Plaintiff,

- against -

AA TRUCKING CORPORATION, CEVA  
FREIGHT, LLC, CEVA LOGISTICS U.S.  
INC., CEVA LOGISTICS U.S. HOLDINGS,  
INC. and PITERSON MASSENAT DESIR,Defendants.  
----- x

To the above named Defendant(s):

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: March 2, 2022

NOTICE: The nature of this action is personal injury.

The relief sought is monetary damages.

MACALUSO & FAFINSKI, P.C.  
Attorneys for Plaintiff(s)  
Office and Post Office AddressDonna A. FafinskiBy: Donna A. Fafinski, Esq.  
One Fordham Plaza, Suite 1002  
Bronx, NY 10458  
(718) 364-4000

Upon your failure to appear, judgment will be taken against you by default for the relief demanded in the annexed verified complaint with interest from October 13, 2021 together with the costs of this action.

Defendants address(es):

AA TRUCKING CORPORATION  
807 Chancellor Street  
Elizabeth, New Jersey 07202PITERSON MASSENAT DESIR  
807 Chancellor Street  
Elizabeth, New Jersey 07202CEVA FREIGHT, LLC, CEVA LOGISTICS U.S.  
INC., CEVA LOGISTICS U.S. HOLDINGS, INC.  
15350 Vickery Drive  
Houston, Texas 77032

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
OLGA DE LA CRUZ-SEGURA,

Plaintiff,

Index No.: 152102/2022

-against-

VERIFIED COMPLAINT

AA TRUCKING CORPORATION, CEVA  
FREIGHT, LLC, CEVA LOGISTICS U.S.  
INC., CEVA LOGISTICS U.S. HOLDINGS,  
INC. and PITERSON MASSENAT DESIR,  
Defendants.  
-----X

Plaintiff, complaining of the defendants, by plaintiff's attorneys, MACALUSO &  
FAFINSKI, P.C., respectfully allege the following upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned, plaintiff OLGA DE LA CRUZ-SEGURA,  
(hereinafter "plaintiff") was and remains a resident of the County of New York, State  
of New York.
2. That at all times hereinafter mentioned, defendant AA TRUCKING  
CORPORATION was and remains a:
  - a) domestic corporation existing under and by virtue of the laws of the  
State of New York.
  - b) foreign corporation transacting business in the State of New York.
  - c) partnership transacting business in the State of New York;
  - d) a limited liability company existing under and by virtue of the laws  
of the State of New York;
  - e) a foreign limited liability company transacting business in the State  
of New York.

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3. That at all times hereinafter mentioned, defendant CEVA FREIGHT, LLC was and remains a:

- a) domestic corporation existing under and by virtue of the laws of the State of New York.
- b) foreign corporation transacting business in the State of New York.
- c) partnership transacting business in the State of New York;
- d) a limited liability company existing under and by virtue of the laws of the State of New York;
- e) a foreign limited liability company transacting business in the State of New York.

4. That at all times hereinafter mentioned, defendant CEVA LOGISTICS U.S. INC. was and remains a:

- a) domestic corporation existing under and by virtue of the laws of the State of New York.
- b) foreign corporation transacting business in the State of New York.
- c) partnership transacting business in the State of New York;
- d) a limited liability company existing under and by virtue of the laws of the State of New York;
- e) a foreign limited liability company transacting business in the State of New York.

5. That at all times hereinafter mentioned, defendant CEVA LOGISTICS U.S. HOLDINGS, INC. was and remains a:

- a) domestic corporation existing under and by virtue of the laws of the State of New York.
- b) foreign corporation transacting business in the State of New York.
- c) partnership transacting business in the State of New York;

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- d) a limited liability company existing under and by virtue of the laws of the State of New York;
  - e) a foreign limited liability company transacting business in the State of New York.
6. That at all times hereinafter mentioned, defendant PITERSON MASSENAT DESIR was and remains a resident of the State of New York.
7. That at all times hereinafter mentioned, defendant, PITERSON MASSENAT DESIR was an agent, servant and/or employee of the defendant AA TRUCKING CORPORATION.
8. That at all times hereinafter mentioned, defendant, PITERSON MASSENAT DESIR was an agent, servant and/or employee of the defendant CEVA FREIGHT, LLC.
9. That at all times hereinafter mentioned, defendant, PITERSON MASSENAT DESIR was an agent, servant and/or employee of the defendant CEVA LOGISTICS U.S. INC.
10. That at all times hereinafter mentioned, defendant, PITERSON MASSENAT DESIR was an agent, servant and/or employee of the defendant CEVA LOGISTICS U.S. HOLDINGS, INC.
11. That at all times hereinafter mentioned, defendant, PITERSON MASSENAT DESIR was acting within the scope of his employment and in furtherance of his job responsibilities.
12. That at all times hereinafter mentioned, plaintiff owned and operated a 2016 RAM motor vehicle bearing New York State license plate number KLE6975.
13. That at all times hereinafter mentioned, defendant AA TRUCKING CORPORATION owned a 2020 Mitsubishi motor vehicle bearing New Jersey State license plate



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number XJLH10.

14. That at all times hereinafter mentioned, defendant CEVA FREIGHT, LLC owned a 2020 Mitsubishi motor vehicle bearing New Jersey State license plate number XJLH10.
15. That at all times hereinafter mentioned, defendant CEVA LOGISTICS U.S. INC. owned a 2020 Mitsubishi motor vehicle bearing New Jersey State license plate number XJLH10.
16. That at all times hereinafter mentioned, defendant CEVA LOGISTICS U.S. HOLDINGS, INC. owned a 2020 Mitsubishi motor vehicle bearing New Jersey State license plate number XJLH10.
17. That at all times hereinafter mentioned, defendant driver PITERSON MASSENAT DESIR operated the aforesaid vehicle with the permission and consent of the owner.
18. That at all times hereinafter mentioned, Academy Street, was and remains a public thoroughfare in the County of New York, State of New York.
19. That on October 13, 2021, at approximately 11:25 a.m., the vehicle operated by plaintiff was struck by the vehicle owned and operated by the defendants.
20. That as a result of said contact, plaintiff was caused to sustain severe and protracted bodily injuries.
21. That this collision and plaintiff's resultant injuries were caused solely and by reason of the negligence of the defendants in, among other things, the ownership, operation, maintenance, and control of defendants' motor vehicle.
22. That this collision was caused solely by reason of the defendants' negligent acts and omissions without any negligence on the part of the plaintiff contributing thereto.

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23. That plaintiff is a covered person as defined in §5102 of the Insurance Law of the State of New York.
24. That plaintiff has sustained a serious injury as a result of the occurrence as defined in Subdivision (D) §5102 of the Insurance Law of the State of New York.
25. That the provisions of CPLR §1601 are not applicable given that one or more of the exceptions contained in CPLR §1602 apply.
26. That solely as a result of the negligence of the defendants as aforesaid, plaintiff sustained severe and protracted personal injuries, was incapacitated from normal pursuits, and plaintiff is informed and verily believes same will continue in the future, all to plaintiff's detriment and loss in a sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendants herein on the First Cause of Action in a sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Bronx, New York  
March 2, 2022

Respectfully yours,

**MACALUSO & FAFINSKI, P.C.**

By: Donna A. Fafinski

Donna A. Fafinski  
Attorneys for Plaintiff  
OLGA DE LA CRUZ-SEGURA  
One Fordham Plaza, Suite 1002  
Bronx, New York 10458  
(718) 364 - 4000

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I, Donna A. Fafinski, the undersigned am an attorney admitted to practice law in the State of New York, and affirm that I have read plaintiff's annexed **COMPLAINT**, and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon telephone conversations with my client(s) and information contained within the file.

This affirmation is made by me because my client(s) does not reside within the County in which my office is located.

Dated:           Bronx, New York  
                  March 2, 2022

Donna A. Fafinski  
DONNA A. FAFINSKI